

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/S Back River Neck Road, 280 \* ZONING COMMISSIONER  
ft. S of Inters. Back River \*  
Neck Road & Old Eastern Ave. \* OF BALTIMORE COUNTY  
1601 Old Eastern Avenue \*  
15th Election District \* Case No. 92-271-A  
5th Councilmanic District \*  
Trustees of St. Stephen \*  
African Methodist Episcopal \*  
Church \*  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 1601 Old Eastern Avenue in the Essex area of Baltimore County. The Petitioners/property owners are the Trustees of the St. Stephen African Methodist Episcopal Church.

The Petitioners seek alternative relief as it pertains to the parking requirements found within the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, they request either a variance from Section 409.6.A.4 of the B.C.Z.R. to allow 42 parking spaces, in lieu of the required 75 spaces or, in the alternative, a variance from Section 409.4.C. to allow 33 parking spaces constructed in a 90 degree configuration, without the required onsite maneuvering aisle.

The Petitioners, by Reverend William A. Gray, III, appeared, testified and were represented by Roland N. Patterson, Esquire. Also testifying on behalf of the Petition was Paul Francis, the Professional Engineer who prepared the plat marked as Petitioners' Exhibit No. 1. Other members of the congregation appeared in support of the Petition, but did not testify.

Mr. Francis testified and identified the subject property shown on Petitioners' Exhibit No. 1. He noted that the Church acquired three (3)

different tracts which, when combined, comprise the present property. The largest single tract was purchased by the Church many years ago and the other two tracts were acquired later. Currently, a one story brick church sanctuary and stucco building, which serves as a social hall, exist on the site. The Petitioners propose to renovate and reconstruct these improvements. When completed, the property will feature a 300 seat sanctuary which will also house class rooms and related facilities.

Mr. Francis also described the proposed parking on site. Access to the site would be both from Old Eastern Avenue and Back River Neck Road. The property is located at that intersection. Mr. Francis noted that the site can accommodate 42 parking spaces which will be in strict accordance with the requirements of the B.C.Z.R. He also noted that the plan shows an additional 33 spaces. If these are built, the facility would be in compliance with the numerical requirements that 75 parking spaces be provided. However, Mr. Francis further noted that 33 of the spaces to be constructed will be placed on the long and narrow portion of that portion of the property which is adjacent to the alley leading from Back River Neck Road. Because of the placement of these spaces, there will be insufficient room to accommodate the necessary aisle and turning distance radius. Thus, Mr. Francis opined that a variance from either the number of spaces or from the aisle distance requirement was necessary.

Further, Mr. Francis described the history of this site and the numerous site constraints which include the existing cemetery and the configuration of the property. These constraints cause the Petitioners practical difficulty and, therefore, justify either variance.

Also testifying on behalf of the Petition was Pastor William A. Gray III. Pastor Gray indicated that he believes 42 parking spaces are more

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than sufficient for the Petitioner's needs. He noted that this Church has been onsite for many years and that parking has never been a problem. He advised that many of the members of his congregation live in the neighborhood and walk to church. Others come by way of the Mass Transit bus lines which pass immediately in front of the property, and others arrive by way of the Church's multi-purpose van. Pastor Gray also noted that the Church has an informal arrangement with one of the businesses that allow overflow parking on their lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In considering the variance seeking approval of a parking arrangement providing only 42 spaces, it is clear from the testimony that if same were granted, such use would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good. Specifically, based upon Pastor Gray's long affiliation with this Church, and his

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uncontradicted testimony, it appears that 42 spaces, as proposed, would be more than sufficient to accommodate the parking requirements generated by this facility. Construction of an additional 33 spaces would be, in my view, unnecessary, and only serve to remove trees and disturb the esthetic appearance of the property.

Further, after due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare. Having reached this decision, it is, therefore, unnecessary to consider the alternate variance.

In view of my decision and after consideration of the Zoning Advisory Comments (ZAC) presented, however, the Petitioners' Exhibit No. 1, the plan to accompany the Petition, must be modified. Therefore, my Order will be restricted so as to require the Petitioners to resubmit the plan, with two alterations. First, 33 spaces shown on the northerly side of the site shall be removed. That is, the relief which I have granted to the Petitioners is such that they need only provide 42 parking spaces on site. The additional 33 spaces as shown on the plat need not be constructed and shall be removed from the plan. Secondly, the Zoning Advisory Comments (ZAC) from the Department of Traffic Engineering were noted. One of these comments suggests that the driveway/access from Back River Neck Road be expanded from the proposed 16 ft. to 24 ft. When questioned about this comment, Mr. Francis indicated that the driveway could be enlarged and

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this request would be accommodated. Thus, the Petitioners' plan must be amended in this respect as well.

Lastly, it is also noted that the Department of Traffic Engineering suggests the driveway adjacent to the proposed sanctuary should be expanded from the proposed 12 ft. to a width of 16 ft. When Mr. Francis was questioned about this enlargement, he indicated that same was not possible, in view of the need for the sanctuary to be of the size, as shown, and the location of the cemetery immediately adjacent to that driveway. For those reasons, as well as the minor amount of vehicular traffic which is anticipated, I concur with Mr. Francis' assessment and shall not place that restriction within my Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of February, 1992 that a variance from Section 409.4.C. to allow 33 parking spaces constructed in a 90 degree configuration, without the required onsite maneuvering aisle, be and is hereby MOOT; and

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 of the B.C.Z.R. to allow 42 parking spaces, in lieu of the required 75 spaces, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

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reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall resubmit Petitioners' Exhibit No. 1 to (1) delete 33 parking spaces shown on the site, as referenced within the above Order, and, (2) to widen the driveway to the site from Back River Neck Road from a distance of 16 ft. to 24 ft.

3. The Petitioners shall submit to the Zoning Commissioner's office, by no later than sixty (60) days from the date of this Order, a new site plan prepared by a registered professional engineer and/or land surveyor which incorporates the restrictions contained herein so as to amend Petitioners' Exhibit No. 1.

LES:mmn

Baltimore County Government  
Zoning Commission  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 26, 1992

Roland N. Patterson, Esquire  
1105 Winsford Avenue  
Upper Marlborough, Maryland 20772

RE: Petition for Zoning Variance  
Case No. 92-271-A

Dear Mr. Patterson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

encl.

cc: Pastor William A. Gray, III  
Mr. Paul Francis, APR Assoc, Inc.

Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6.A.4 to allow 42 parking spaces in lieu of required 75 spaces or Section 409.4.C to allow 33 90-degree parking spaces without on-site maneuvering aisle.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Practical Difficulty (See Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attest: \_\_\_\_\_

Signature

Address

City and State

1105 Winsford Avenue

Upper Marlborough, MD 20772

City and State

Attorney's Telephone No.: (301) 808-4552

Legal Owner(s):

Trustees of St. Stephen AME Church

(Type or Print Name)

Signature

Address

City and State

1601 Old Eastern Ave. 686-9392

Essex, MD 21221

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Nathan Harris

1312 Glenmont Road 583-9227

Address

City and State

Phone No.

ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.

AVAILABLE FOR HEARING

MON. / TUES. / WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: DATE 11/09/91

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STATEMENT OF  
PRACTICAL DIFFICULTY TO ACCOMPANY  
PETITION FOR AREA VARIANCE  
St. Stephen A.M.E. Church  
W-91-28

This is the petition of the St. Stephen A.M.E. Church of Essex Maryland (hereinafter, the Petitioner) for an area variance from Section 501.4 of the Zoning Regulations of Baltimore County Maryland. Specifically the Petitioner owns a narrow almost triangular plot of land just east of the improved parcel which now holds the church sanctuary and fellowship hall. This plot is long and narrow with 842.46 feet of frontage on a pre-existing parking alley that is used in common with a low income apartment house complex. The parking alley section of the plot is the reason the Petitioner purchased the land. However, there is now insufficient aisle width on the plot to comply with existing restrictions in the applicable zoning ordinance. Hence, this area-variance is respectfully pursued. The specific alternative area variances sought are: 1. that the minimum required number of parking spaces for a 300-person sanctuary be reduced from 75 to 53; and/or, 2. that the aisles space requirement be waived generally in this case.

By way of background (additional information is attached), the Petitioner is in the midst of a building project. The objective is a new 300 person sanctuary to be located on the existing church grounds. The church is currently located in Essex at the intersection of Old Eastern Avenue and Back River Neck Road. The Petitioner understood during the early stages of this building project that the per-capita size of the sanctuary would require the church to increase the available parking area as provided for by the zoning regulations of Baltimore County. Therefore, the Petitioner purchased the triangular plot of land mentioned above. This plot is set out schematically on the drawings attached below as the subject of this area-variance request.

In light of the factual background set forth above, the Petitioner asks that this Board weigh the following premises in support of this request. First, the property in question was a parking lot before it was acquired by the Petitioner and is still used exclusively for parking. Thus, the character of the subject-property remains unchanged by the intended use of the petitioner.

The standard of review to be applied when analysis is given to an area-variance petition is whether or not the zoning regulation in question will result in a "practical difficulty" being imposed upon the petitioner unless an appropriate exception to the regulation is allowed. In this case, the purpose of the acquisition is defeated by the application of the zoning requirement. At the same time, the acquisition of the land was designed to honor and abide by other aspects of the

same body of zoning regulations. Specifically, the acquisition was undertaken to retain a required proportionate relationship between the seating capacity of the new sanctuary to be built by Petitioner and, the off-street parking provided by Petitioner for its own members. Inasmuch as an award of an area-variance to the zoning restriction in this case would allow compliance with other equally substantive sections of the same body of zoning law, the spirit and intent of the regulations remain unharmed by the prospect of the variance petitioned for herein.

The Petitioner respectfully asserts that the "use-variance" analysis is technically inapplicable to this petition because there is no effort to alter or amend the present "use" of the property in any way. However, the Petitioner offers for consideration here that the analysis commonly applied to the questions of "use-variance" serves to illustrate that the effect of this zoning restriction upon the interest held in the subject property held by Petitioner is confiscatory in nature. Hence, the use-variance analysis is offered below for consideration by analogy.

Use-variances are customarily concerned with "hardship" cases where certain land cannot be used so as to yield a reasonable return if used only in accordance with the restrictions of the ordinance. There are three basic criteria prerequisite to the finding of "hardship" sufficient to support the allowance of a "use-variance." Those criteria are as follows.

1. Petitioner is unable to secure a reasonable return, or make any reasonable return, or make any reasonable use of the property;
2. The hardship complained of must be peculiar to the property in question; and,
3. The hardship must not be the result of the applicant's own actions.

As stated above under the area-variance analysis, the subject-property is abutted by a parking-alley section of ground. Petitioner enjoys an easement in the parking-alley. This parking-alley is owned by a neighboring low-income housing complex. The relevance of this scenario is that the petitioner is unable to use the property for purposes other than parking because of the location and odd (triangle) shape of the property. At the same time, Petitioner is currently unable to officially use the property for parking because of the zoning restrictions regarding aisle space. Hence, Petitioner is unable to secure a reasonable return on the interest held in this property. For these reasons, the first criterion of the hardship analysis is satisfied on these facts.

Secondly, the hardship analysis requires that the hardship be peculiar to the land in question. The hardship complained of is in-fact peculiar to the land in question. This is so in this case because of the unique dimensions of the land, the consistency between the use of the land prior to the interest of Petitioner and the present use. For these reasons, the requirement that the hardship be peculiar to the property at issue is satisfied.

Finally, the hardship analysis requires that the applicant's own actions not have caused the limitation complained of. Here, Petitioner has done nothing inconsistent with the pre-existing use of the property. Hence, Petitioner has taken no action at all, not to mention any action which would have caused the hardship complained of.

The value of the hardship analogy here is that, while the analysis is a higher, more rigid analysis than that required in the area-variance context, this application still works a confiscatory result upon the Petitioner's reasonable use of the property because of the zoning restriction.

Petitioner submits as additional justification for a reduction in the number of required parking spaces the following:

1. Our present average attendance is less than 150 people, of which 30 to 40 are under driving age.
2. About twenty percent of those in attendance live within walking distance of the church.
3. The church has a fifteen passenger van that it uses to take people to and from the church.
4. Public transportation stops near the entrance to the church.
5. Our motivation for building a larger building is driven more by our immediate need for space to render service to our community than our need for space to worship.
6. Such a variance would allow us to preserve almost all of the trees on the property, thus maintaining its beauty. These trees are oaks that range in sizes of 15 to 42 inches.

For all of these reasons, the Petitioner respectfully asserts that the award of an area-variance from the zoning restriction in this case is within the spirit and character of the zoning laws of Baltimore County. Therefore, we respectfully request that the relief sought by this Petition be granted.

BACKGROUND STATEMENT

For over 100 years, St. Stephen A. M. E. Church has been located on the corner of old Eastern Avenue and Back River Neck Road. For approximately the last 20 years, St. Stephen has continued to be an attractive site in the community known as Essex, or more precisely, Josephans' Corner. In the last five (5) years, it has taken on a new purpose. It has come outside of its walls and seen the poverty, depravity, and hopelessness that surrounds it and has decided to do something about it.

It did not take us long to realize that we did not have enough room to make any progress in meeting the needs of our community. Yes, surrounding St. Stephen we have many who for whatever reason are those in great need, as the various county agencies are quite aware.

We at St. Stephen believe that as a part of our living faith, we must take on more of the responsibility of helping the people who not only come into our sanctuary from all over the county, but also those who surround the church. We believe that our efforts will be helpful in not only meeting the needs of the people, as well as reduce the burden on some of our various county agencies.

As our "help" ministries developed, we discovered that we did not have room to do the things that had been placed on our hearts. Already we have started a learning center (day care) to help make better students out of our young people; a couples ministry to help marriages get stronger; a singles ministry to give our single adults an alternative; a "Mo Better" Youth Ministry which is already resulting in more positive attitudes in our many teenagers in the community; and our Eve Reborn Ministry which is helping the women cope with their various problems, in addition to the traditional work for which many churches are known.

Still, we see a need to address the high unemployment picture that relates to limited preparedness and motivation, the high number of teenage pregnancies, the high percentage of people both young and old who are substance abusers, etc. Also, everyone is aware now that both the State and Local Governments are having financial difficulties. That means it's now time for others to help take up the slack. St. Stephen is trying to do its part. As you can see, a little church with a basement and an old outer building is not enough.

Therefore, in 1987 we started the planning process for an addition that would give us the room we need to be able to help. First, the pastor visited the zoning office to get as much information as possible. As a result, we discovered the need for more parking. We therefore investigated what was listed as 1.5 acres

of land adjacent to a private alley but cornered by the St. Stephen's property. Our investigation which included a study of available zoning documents, and calls to the zoning and planning office, resulted in the building committee concluding that acquisition of the land would help us to meet the parking requirements that the county would require us to meet in order to build the new building.

Now we are at the critical point that will decide if we can render the service for which our community is in dyer need.

In order to understand why the St. Stephen African Methodist Episcopal Church is requesting a variance in order to build an addition to its present church, I would like to first describe the area and give some historical background. St. Stephen is located, as you are aware, on the corner of Back River Neck Road and Old Eastern Avenue. It occupies about two acres of land. To the rear of the church is an old condominium and to the right of the church, we have a number of Government subsidized apartments. Separating the church property from the condominiums is a graveyard followed by a small patch of land. Separating the church property from the lower income housing is a private, 15 foot macadam alley. This alley is owned by the corporation that operates the low income housing project. In 1987, the church purchased what was previously surveyed as about 1 1/2 acres of land from the former low income complex owners with the right to use the alley to access the property. Please note that the alley was the only means of accessing the property without crossing someone else's private property. Because the alley is in the rear of the church property, it is rarely used. In fact, a survey would possibly show that on a regular day less than 10 cars use the alley. Already, the condominium is using the alley as a means of backing out of the driveway that comes off the alley. The driveway area used by the condominium is less than 40 feet in depth. The low income housing area has marked off a number of parking spaces, all with a maximum depth of 30 feet leading directly into the alley. For over 20 years, the St. Stephen A.M.E. Church has been using the land to the right of the church on the church's side of the alley to park. This was done even before the church purchased the property. This use of the alley has been occurring for a number of years with no negative impact to the community.

The St. Stephen A.M.E. Church site plan shows about 22 parking spaces that are at least 30 feet in depth but as you can tell fall short of the minimum 40 feet needed for parking spaces. We could increase 11 of those spaces in depth, meeting the minimum requirement but such a move would cause us to have to destroy a number of older trees, taking away from the beauty of the area and not having a very positive ecological effect. There still would remain 11 spaces that could be moved in some, but still not enough to meet the minimum 40 foot space

requirement for parking. We feel that the positive effects of building the addition to St. Stephen would greatly justify a variance on the aisle space zoning requirements and still maintain the spirit of the regulations and still provide for safe and efficient maneuvering of vehicles. We feel this way because we would be building the first new building to be built in at least 10 years. This new building would enhance the corner and inspire others to do positive things in that area. We feel that the building especially when blended with our community programs could be a positive influence on the attitudes of the people that live in the community. As we combine this with the fact that what this variance is applying for is nothing more than what is already being done. We respectfully submit this request for your approval.

The present attendance at St. Stephen is about 150 people each Sunday. We have less than 50 people using automobiles at any particular time. Even so, the church has procured a 15 passenger van we hope will further reduce the need for some automobiles. Also, many people use the MTA bus service, which stop right at the church, to come to worship. Finally, a significant number of our members live right around the church and, therefore, are able to walk to church every Sunday morning. As you can see, this means that even if we would reach the 300 seat capacity we would not have that many cars parking here at the church.

DESCRIPTION OF PROPERTY  
OF SAINT STEPHEN A.M.E. CHURCH  
1601 OLD EASTERN AVENUE  
15TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Northeasterly right of way line of Back River Neck Road as now widened and shown on the Baltimore County Bureau of Land Acquisition drawing HRW 63-163-1; said point being situate at the intersection of said right of way line with the third or South 36 degrees 26 minutes 40 seconds West 150 foot line of a parcel which by Deed dated December 16, 1980 and recorded among the Land Records of Baltimore County in Liber 6249, page 576, was conveyed by Jack W. Stollof, Trustee, to the Trustees of St. Stephen African Methodist Episcopal Church of Back River; thence running from said point of beginning and binding along the Northerly right of way line of Back River Neck Road, referring all courses to the True Meridian as established for Baltimore County Metropolitan District, North 32 degrees 57 minutes 35 seconds West 69.34 feet to a point at the beginning of curve connecting said Northeasterly right of way line of Back River Neck Road with the Southeasterly right of way line of Eastern Avenue, as shown on the beforementioned drawing HRW 63-163-1; thence binding along said curve having a radius of 194.00 feet for an arc length of 192.49 feet and a chord of North 04 degrees 32 minutes 05 seconds West 184.69 feet to a point on the

5216 Harford Road  
Baltimore, Maryland 21214  
(301) 444-4326  
Fax: (301) 444-1647

7427 Harford Road  
Baltimore, Maryland 21224  
(301) 444-4312  
Fax: (301) 444-1647

DESCRIPTION OF PROPERTY  
OF SAINT STEPHEN A.M.E. CHURCH  
1601 OLD EASTERN AVENUE  
15TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND  
PAGE 2

Southeasterly right of way line of Eastern Avenue; thence binding thereon North 23 degrees 53 minutes 25 seconds East 298.78 feet to intersect the second or North 28 1/2 degrees West 222 foot line of land which by Deed dated July 19, 1904 and recorded in Liber W.P.C. No 313, folio 446 was conveyed by W. Ashbie Hawkins, Trustee, to the Trustees of St. Stephens African Methodist Church of Back River; thence leaving Eastern Avenue and binding reversely along said line, as now surveyed, South 33 degrees 13 minutes 20 seconds East 198.33 feet to a point at the beginning of said line and to intersect the third or North 36 degrees 26 minutes 40 seconds East 660 foot line of a parcel of land which by Deed dated May 26, 1988 and recorded in Liber 7874, page 185 was conveyed by Richard A. Swirnow to the Trustees of St. Stephen African Methodist Episcopal Church; thence binding along a part of said line North 36 degrees 26 minutes 40 seconds East 391.59 feet to intersect the westerly side of 15 foot wide alley as shown on the plat of Burkleigh Manor, recorded among the Land Records of Baltimore County in Plat Book 13, Folio 83; thence binding along the westerly side of said alley South 30 degrees 03 minutes 25 seconds West 752.00 feet to intersect the Northeasterly right of way line of Back River Neck Road as shown on the Plat of "Burkleigh East Apartments" prepared by John C. Mellema, Sr., Inc. and dated December 9, 1986;

DESCRIPTION OF PROPERTY  
OF SAINT STEPHEN AME CHURCH  
1601 OLD EASTERN AVENUE  
15TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND  
PAGE 3

92-271-A

thence binding thereon North 46 degrees 26 minutes 32 seconds West 18.80 feet to intersect the beforementioned third of South 36 degrees 26 minutes 40 seconds West 150 foot line; thence binding along a part of said line South 36 degrees 26 minutes 40 seconds West 33.14 feet to the point of beginning; containing 1.886 acres more or less.

BEING and comprising the Land conveyed to The Trustees of St. Stephen African Methodist Episcopal Church by the following three hereinmentioned deeds recorded among the Land Records of Baltimore County:

- 1) From W. Ashbie Hawkins, dated July 19, 1904 and recorded in Liber W.P.C. No. 313, page 446
- 2) From Jack W. Stollof, Trustee, dated December 16, 1980 and recorded in Liber 6249, page 576 and
- 3) From Richard A. Swirnow, dated May 26, 1988 and recorded in Liber 7874, page 185.

01/07/92



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 1/30/92  
Posted for: Notice  
Petitioner: Tru. of St. Stephen AME Church  
Location of property: 1601 Old Eastern Avenue  
15th Election District  
Location of Sign: Back River Neck Rd. at Old Eastern Ave.  
Back River Neck Rd. at Old Eastern Ave.  
Remarks: Notice  
Posted by: Lawrence E. Schmidt Date of return: 2/1/92  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/30/92.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zeke Orlov

Publisher

\$ 75.01

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/30, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/30, 1992.

THE JEFFERSONIAN,

S. Zeke Orlov

Publisher

\$ 75.01

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-271-A  
NE/S Back River Neck Road, 280' S of intersection Back River Neck Road and Old Eastern Avenue  
15th Election District  
Petitioner(s): Trustees of St. Stephen AME Church  
Hearing Date: Wednesday, February 19, 1992 at 10:00 a.m.

Variance: to allow 42 parking spaces in lieu of the required 75 spaces or to allow 33 90 degree parking spaces without on-site maneuvering aisle.

LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
January 30, 1992

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 124134

DATE: 2/19/92 ACCOUNT: Rec-615

AMOUNT: 100.01

RECEIVED FROM: St. Stephen AME Church

FOR: P.A.

VALIDATION OR SIGNATURE OF CLERK  
DATE: 2/19/92 TIME: 10:00 BY: [Signature]

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 2/6/92

Trustees of St. Stephen AME Church  
1601 Old Eastern Avenue  
Essex, Maryland 21221

RE:  
CASE NUMBER: 92-271-A  
NE/S Back River Neck Road, 280' S of intersection Back River Neck Road and Old Eastern Avenue  
1601 Old Eastern Avenue  
15th Election District - 5th Councilmanic  
Petitioner(s): Trustees of St. Stephen AME Church

Dear Petitioner(s):

Please be advised that \$ 100.01 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 118, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jell

ARNOLD JABLON  
DIRECTOR

cc: Roland N. Patterson, Esq.

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JANUARY 21, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-271-A  
NE/S Back River Neck Road, 280' S of intersection Back River Neck Road and Old Eastern Avenue  
1601 Old Eastern Avenue  
15th Election District - 5th Councilmanic  
Petitioner(s): Trustees of St. Stephen AME Church  
HEARING: WEDNESDAY, FEBRUARY 19, 1992 at 10:00 a.m.

Variance: to allow 42 parking spaces in lieu of the required 75 spaces or to allow 33 90 degree parking spaces without on-site maneuvering aisle.

Lawrence E. Schmidt  
Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: St. Stephen AME Church  
Roland N. Patterson, Esq.  
Methan Harris

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 29, 1992

Roland N. Patterson, Esquire  
1105 Winsford Avenue  
Upper Marlborough, MD 20772

RE: Item No. 288, Case No. 92-271-A  
Petitioner: St. Stephen AME Church  
Petition for Variance

Dear Mr. Patterson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: January 29, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Pastor William A. Gray  
St. Stephen AME Church  
1601 Old Eastern Avenue  
Essex, MD 21221

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 10th day of January, 1992.

Arnold Jablon  
DIRECTOR

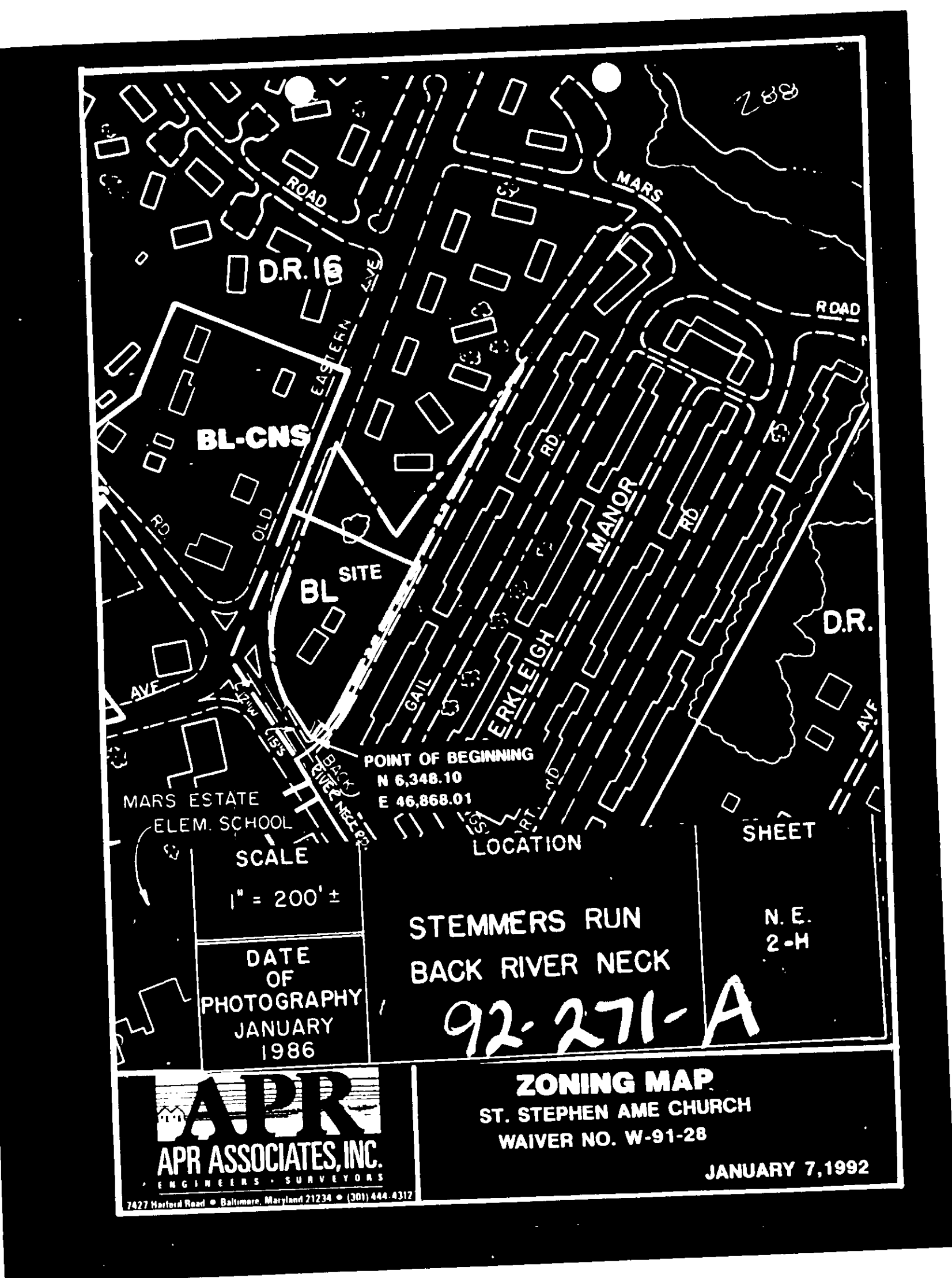
Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: St. Stephen AME Church, et al  
Petitioner's Attorney: Roland N. Patterson







THIS DEED, made this 19th day of July in the year one thousand nine hundred and four between W. Ashbie Hawkins, Trustee as hereinafter mentioned, of the one part and THE TRUSTEES OF ST. STEPHEN'S AFRICAN METHODIST EPISCOPAL CHURCH OF BACK RIVER BALTIMORE COUNTY, a body corporate, of the other part.

WHEREAS, by a Decree of the Circuit Court for Baltimore County dated the 19th day of September in the year one thousand eight hundred and ninety seven and passed in a cause in said Court between "The Trustees of St. Stephens African Methodist Episcopal Church of Back River Baltimore County", a body corporate, complainant, and George Howe, Charles Burton et al defendants, the above named W. Ashbie Hawkins, Trustee as aforesaid, for and in consideration of the premises and of the sum of one dollar, does grant unto the said "The Trustees of St. Stephens African Methodist Episcopal Church of Back River Baltimore County", a body corporate, its successors and assigns all that lot piece or parcel of ground situate, lying and being in the 12th Election District of Baltimore County and which by Deed No. 107 folio 107 etc. of Baltimore County in Liber J. B. No. 107 folio 107 etc. was conveyed by Heirs of Elijah Taylor to Trustees of A. M. E. Church. Beginning for the outlines to include the same at the beginning mentioned in said Deed, it being marked by an iron bolt drive in the centre of the Back River Neck road said iron bolt being South 41° 40' East 100 feet from the corner where north of W. Ashbie Hawkins et al.

Now this deed witnesses, that the said W. Ashbie Hawkins, Trustee as aforesaid, for and in consideration of the premises and of the sum of one dollar, does grant unto the said "The Trustees of St. Stephens African Methodist Episcopal Church of Back River Baltimore County", a body corporate, its successors and assigns all that lot piece or parcel of ground situate, lying and being in the 12th Election District of Baltimore County and which by Deed No. 107 folio 107 etc. of Baltimore County in Liber J. B. No. 107 folio 107 etc. was conveyed by Heirs of Elijah Taylor to Trustees of A. M. E. Church. Beginning for the outlines to include the same at the beginning mentioned in said Deed, it being marked by an iron bolt drive in the centre of the Back River Neck road said iron bolt being South 41° 40' East 100 feet from the corner where north of W. Ashbie Hawkins et al.

THIS DEED, Made this 16th day of December, in the year one thousand nine hundred and eighty between JACK W. STOLLOP, Trustee, as hereinafter mentioned, of the first part, and THE TRUSTEES OF ST. STEPHEN'S AFRICAN METHODIST EPISCOPAL CHURCH OF BACK RIVER, BALTIMORE COUNTY, MARYLAND.

WITNESSETH, whereas by a decree of the Circuit Court for Baltimore County dated on the 23rd day of July in the year one thousand nine hundred and eighty and passed in a cause in said Court, between Fairfax Savings and Loan Association, Inc., Complainant, and George Bennett, and Blanche E. Bennett, his wife, and Ken's Cab, Inc., Defendants, Docket 149, folio 22, the above named Jack W. Stollop, was appointed Trustee with authority to sell the fee simple property in the proceedings in said cause mentioned; and the said Trustee, after complying with all the previous requisites of the decree, did, on or about the 25th day of August in the year one thousand nine hundred and eighty sell unto the said The Trustees of St. Stephen's African Methodist Episcopal Church of Back River, Baltimore County, Maryland at and for the sum of Thirty-Nine Thousand Six Hundred Dollars (\$39,600.00), current money, the aforesaid fee simple property, situate in Baltimore County and State of Maryland, thus described:

BEGINNING for the same at the intersection of the second line of the first parcel of land described in a deed from Elizabeth Roman and husband to Samuel E. Levin and wife, dated May 8, 1913, and recorded among the Land Records of Baltimore County in Liber WFO No. 409, folio 394, and the northeast side of Back River Neck Road and running thence binding reversely on said second line as now surveyed, north thirty-six degrees twenty-six minutes forty seconds east one hundred twenty-three and twenty-seven one-hundredths feet thence at right angles to said line south fifty-three degrees thirty-three minutes twenty seconds east sixty-five feet, thence parallel with said beforementioned second line, south thirty-six degrees twenty-six minutes forty seconds west one hundred fifty feet to said northeast side of Back River Neck Road, thence binding on said northeast side of Back River Neck Road, north thirty-one degrees twelve minutes ten seconds west seventy and thirty one-hundredths feet to the place of beginning. Improvements known as 3 Back River Neck Road.

The courses in the above description all refer to the true meridian.

CONSTABLE  
ALEXANDER  
B. DANIELSON

1-7-81

163

FILE NO. 503-88,930-06-36  
SLIP  
DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

887874 ME185  
15-19-711922

**This Deed,** Made this 26th day of May  
in the year one thousand nine hundred and eighty-eight  
by and between  
RICHARD A. SWINOW, Grantor, party  
of the first part, and  
TRUSTEES OF ST. STEPHEN AFRICAN METHODIST EPISCOPAL CHURCH, Grantees, parties  
of the second part.

WITNESSETH, That in consideration of the sum of TWELVE THOUSAND AND NO/100ths DOLLARS (\$12,000.00) the actual consideration paid or to be paid, and other good and valuable considerations, receipt whereof is hereby acknowledged,

the said  
B R C F 12.00  
B T TX 60.00  
B DCS 60.00  
DEED 0.01  
SN CLERK 132.00  
do as grant and convey to the said TRUSTEES OF ST. STEPHEN AFRICAN METHODIST EPISCOPAL CHURCH, parties of the second part, Grantees, their  
#35969 C004 R01 T1410  
05/31/88

in fee simple, all  
that lot of ground situate in BALTIMORE COUNTY, MARYLAND  
and described as follows, that is to say:

BEGINNING FOR THE SAME at the beginning of the third line of the parcel of land described in a deed from the Metropolitan Development Company to Herman Riesling and wife dated August 10, 1942 and recorded among the land records of Baltimore County in Liber CHK 1240, folio 522, and the northeast side of Back River Neck Road, and running thence binding reversely on said third line north 36 degrees 26 minutes 40 seconds east 130 feet, thence north 53 degrees 33 minutes 20 seconds west 65 feet to the end of the first or north 36 degrees 26 minutes 40 seconds east 123.27 feet line of the aforesaid deed from Metropolitan Development Co. to Herman Riesling, et al, and running thence north 36 degrees 26 minutes 40 seconds east 660 feet to the west side of a 15 foot alley, thence binding on the west side of said 15 foot alley southeasterly 842.46 feet to the place of beginning. Containing 1.36 acres more or less as shown on the Plat of Burkleigh Manor Plat Book 13, folio 83.

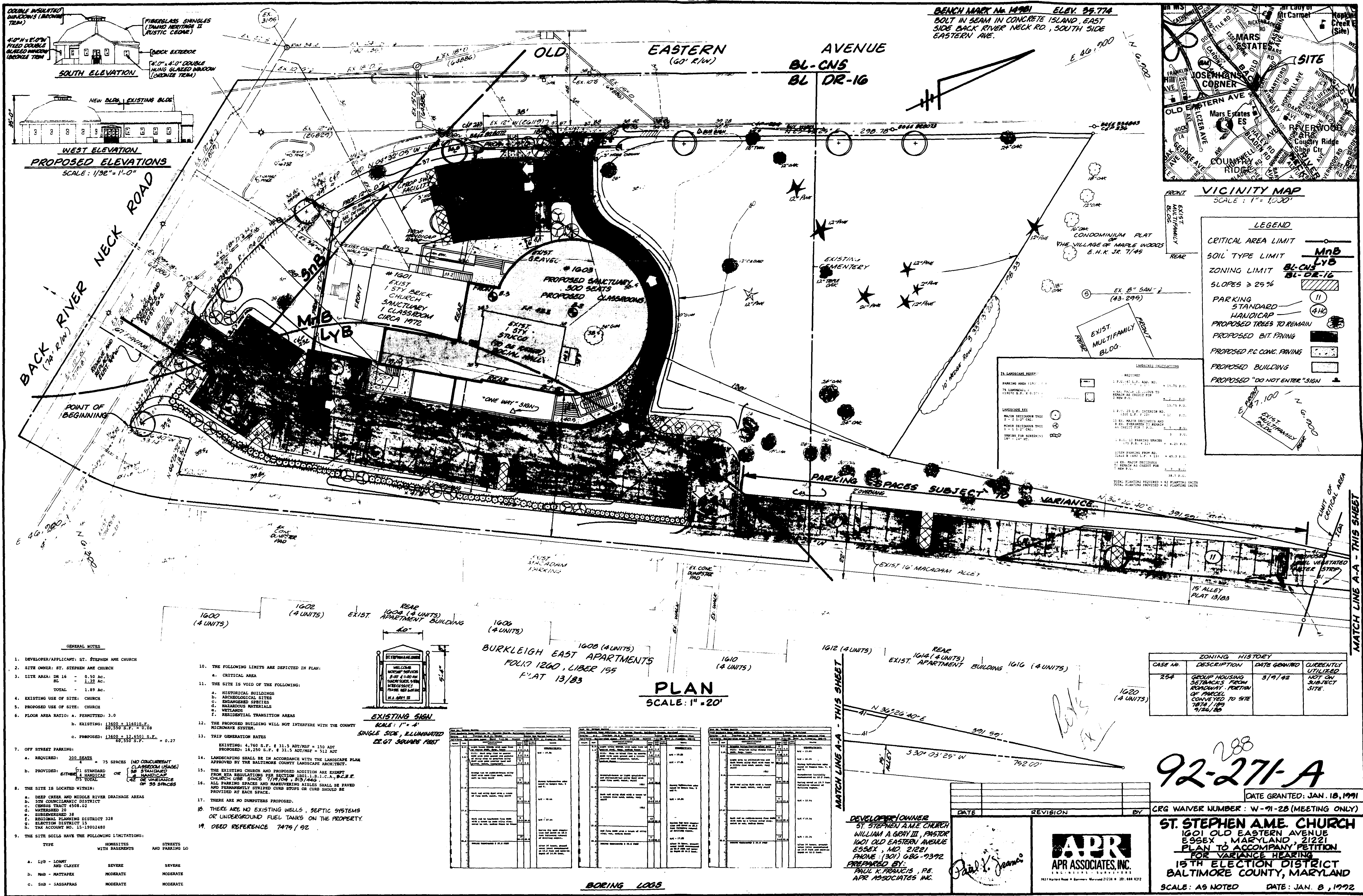
BEING the same property which by Deed dated December 19, 1986, and recorded among the Land Records of Baltimore County in Liber 7475, page 052, was granted and conveyed by I.C.A. BURKLEIGHT, INC. unto the within named Grantor.

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Baltimore County  
JAN 5 1988

APPLICABLE TRANSFER TAX  
NOT APPLICABLE  
SIGNATURE JR DATE 53-88

Let's No 4





**MATCH LINE A-A - THIS SHEET**